

**REMARKS/ARGUMENTS**

After the foregoing Amendment, Claims 1 - 38 are currently pending in this application. Various claims have been amended for clarity and to address grammatical issues without any intent to limit the scope of the claimed subject matter. No new matter has been introduced into the application by these amendments.

**Claim Objections**

The Examiner objected to claims 4, 7, 15, 23, 26, 27 and 34 due to informalities. Withdrawal of these objections is requested in view of the claim amendment.

**Claim Rejections**

Claims 1-7, 13-15, 21-26, 29, 31, and 32-34 are rejected under 35 U.S.C. 102(a) as being anticipated by PCT Publication No. WO 02/065667 (Willenegger). Claims 8-11, 16-19, 27-28, 30 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willenegger in view of Iwamura (U.S. Patent 6,853,844). These rejections based on Willenegger are respectfully traversed.

The present application is directed to a wireless communication system having an improved outer loop transmission power control in which user data is signaled in both shared channels available to a wireless transmit receive unit

(WTRU) and an uplink dedicated channel and an associated uplink share channel are assigned for use by the WTRU. The uplink dedicated channel is processed for computing a target metrics based on the reception of signals transmitted by a WTRU, and a target metric for the uplink shared channel is derived from each computed uplink dedicated channel target metric. For example, claim 1 requires:

a shared channel target metric generator configured to output a respective UL SCH target metric derived from a target metric computed for the UL DCH associated with the UL SCH.

Willenegger, pg. 8, lines 21-24 and lines 29-33 are cited for this feature, but that teaching is directed to measurements for inner loop power control, not target metrics for outer loop power control which is the subject of the present claims.

Willenegger, pg. 8, lines 21-33 states:

...As shown in Fig. 3, inner loop 310 operates between the user terminal and base station, and one inner loop is typically maintained for each channel to be independently power controlled.

The inner loop power adjustment for a particular channel is typically achieved by (1) measuring the signal quality of the transmission on the channel at the user terminal (block 312), (2) comparing the received signal quality against the channel's setpoint (block 314), and (3) sending power control information back to the transmitting base station. The signal quality measurement may be made on the channel to be power controlled, a reference channel associated with the channel to be power controlled, or any other channel for which a relationship can be established with the channel to be power controlled.

Such signal quality measurement and comparison is not the same as computing of a target metric for outer loop power control.

With respect to outer loop power control, Willenegger at pg. 9, lines 11-20 states:

Outer loop 320 is a (relatively) slower loop that continually adjusts the setpoint such that a particular level of performance is achieved for the transmission to the user terminal. The desired level of performance is typically a target frame error rate (FER), which is 1% for some transmissions. Some other target values and/or performance criteria may also be used to adjust the setpoint.

**The outer loop setpoint adjustment for a particular channel** is typically achieved by (1) **receiving and processing the transmission on the channel** to recover transmitted frames, (2) determining the status of each received frame (block 322) as being decoded correctly (good) or in error (erased), and (3) adjusting the setpoint (block 324) based on the frame status (and possibly along with other information). ...

The Willenegger "set points" for a channel are based on received transmissions on that channel, not on a "set point" determined for another channel. Nothing in Willenegger suggests or teaches the computing of a target metric for an UL SCH based on UL DCH target metrics as claimed.

Based on the arguments presented above, withdrawal of the rejections of the claims based on Willenegger is respectfully requested.

### **Conclusion**

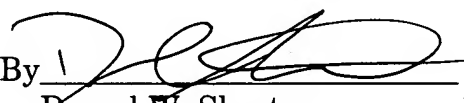
If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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**Application No.:** 10/688,223

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1 – 38, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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